

REMARKS

Claims 1 and 13 were objected to because of the word “In” in the beginning of the these claims. The word has been deleted.

Claims 3, 8, 11, 12 and 15 were withdrawn as drawn to a non-elected invention.

Claims 1,2, 4-7, 9, 10, 13, 14 and 16 are retained herein. These claims were rejected under 35 USC 103(a) as being unpatentable over Brinkley in view of Ijima.

Independent claim 1 has been amended to recite the straw in devoid of the float. Claim 1 has been further amended to recite an end of the corrugated section is anchored to the interior wall of the container. Claim 1 continues to recite the corrugated sections having different portions which are substantially diametrically opposite to one another. The Official Action acknowledges that Brinkley does not disclose the diametrically opposition portions. The container of Brinkley requires the float on the drinking tube to raise the upper end portion through the opening in the lid (Columns 1, lines 69-71, Column 2, lines 67-71. Without the float, the system is inoperative. Contrary thereto, the present invention does not need a float

but is based on the spring action of the “S” shaped straw due to the design of the corrugated section and the anchoring of the end of the one corrugated section. Brinkley does not suggest nor disclose the end of the corrugated section of the drinking tube anchored to the interior wall. All of the figures of Brinkley show the corrugated section spaced well apart from the walls of the container and column 3, lines 69-71 disclose the tube has bends intermediate the ends of the tube.

It is submitted that Ijima is non analogous art which is a process for making a resinous hose to be used in radiators for an automobile. Persons skilled in the art of container and straws for consumable liquids would have no motivation to consider the hose of Ijima. Not only is the hose used with liquids which are toxic and non-consumable but there is no suggestion that the hose is used in a container, which is the thrust of the present application. Furthermore, even the references cited in Ijima, particularly Meyer (2012766) are not directed to straws in a container for consumable liquids. It has been known for many years to have hose or pipes which are formed to bend more readily but this non-analogous art has not

been applied to straws in a container. For example, Meyer (1935) was known to Brinkley (1972).

It is submitted that not only is there no motivation to combine Brinkley with Ijima, but even if combined, the resulting device would be a hose with a float in a container. The device would not have the spring action of the present invention which urges the straw out of the container when the container is opened. Combining of the cited references would destroy the purposes for which each are intended.

With respect to claim 2, Brinkley does not suggest nor disclose the corrugated section having a wall of a differential wall thickness. The wall thickness is not addressed and must be assumed to be uniform unless there is a statement to the contrary. Ijima shows uniform diameter walls 19 in Fig. 3-5.

None of the cited references disclose nor suggests disk shaped walls as disclosed in Fig 14 and 17 and recited in claim 4.

Concerning claims 5 and 6, the cited references do not suggest nor disclose a straw having a stiffener on one side as shown in Fig.15.

Regarding claim 9, none of the cited references suggest nor disclose the straw being one piece with the container as shown in Fig 1 (page 7, lines 17-18). In all of the references, the straw is separate from the container. Several references, such as Ijima, do not disclose a container.

With respect to claim 13, the discussions with respect to claims 1 and 10 above are applicable. Further, as disclosed in Figs 14 and 17, the straw has concave portions at which the straw bends.

Concerning claim 16, the arguments regarding claim 4 are pertinent.

New claims 17 has been inserted herein to more fully protect the novelty of the invention. The discussion above on claim 1 regarding anchoring of the end of the corrugated section is pertinent. This new claim is readable on elected species 1.

It is submitted that claim 1 is generic and claims to additional species which are in independent form should be considered.

It appears that all matters having been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07(d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

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Date

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